



**UNITED STATES DEPARTMENT OF COMMERCE
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HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/987,995	12/10/97	SEYMOUR	J 200-007711-U

PERMAN & GREEN
425 POST ROAD
FAIRFIELD CT 06430-6232

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EXAMINER

MEHRPOUR, N

ART UNIT

PAPER NUMBER

2745

DATE MAILED:

03/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/987,995

Applicant(s)
Seymour Bristol

Examiner
Naghmeh Mehrpour

Group Art Unit
2745



☒ Responsive to communication(s) filed on Jan 28, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 12-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 12-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 12-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saji (US Patent Number 5,479,486) in view of French (US Patent Number 5,760,690).

Regarding **Claims 12, 19**, Saji teaches a radio telephone 1 including a rechargeable power supply and having coupling (b1, b2, a1, a2, 10), means for connecting to a charger unit 6 for charging the power supply, the radio telephone comprising (See figure 1):

the charging apparatus is provided with setting means for detecting whether the telephone apparatus is set in the predetermined portion of the charging apparatus or not, connection condition detecting means for detecting whether the contact of the telephone apparatus are electrically connected or not (Column 3 lines 10-14).

Saji fails to teach means responsive to the sensor sensing the absence of the charging unit for automatically inhibiting operation of the radio telephone. However, French teaches a portable apparatus providing alarm system, which includes various sensors for monitoring whether the system is being moved from a stationary position (Column 2 lines 62-67). Therefore unauthorized movement of the system as a whole is prevented (Column 3 lines 9-10). Therefore,

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it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the above teaching of French to Saji, in order to provide security for the cellular users.

Regarding **Claim 13**, Saji fails to teach a radio telephone wherein the sensor and locking means are operative for a power on mode of the portable electronic apparatus. However French teaches a portable apparatus wherein more sophisticated integration may also be accomplished by coupling disable circuit 28 to the computer's system to provide the ability to send commands and data to the CPU in order to place the CPU in a locked (inoperable) mode (Column 5 lines 37-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the above teaching of French to Saji, in order to provide security for the cellular users.

Regarding **Claim 14**, Saji fails to teach a radio telephone wherein the inhibiting means is adapted to inhibit access to information stored in the portable electronic apparatus. However French teaches a portable apparatus which is useless to a would be-thief and less likely to be stolen. With such a system the data and information stored on a computer system employing such an alarm is protected from unauthorized access by a thief (Column 2 lines 17-21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the above teaching of French to Saji, in order to provide security for the cellular users.

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Regarding **Claims 15-16**, Saji as modified by French discloses the inhibiting means. Therefore the user cannot make an outgoing call, and inhibits access to subscriber identity information stored in the memory.

Regarding **Claim 17**, Saji teaches a radio telephone wherein the sensor is adapted to sense charging voltage for charging the rechargeable power supply (See figure 1 numeral 32).

Regarding **Claim 18**, Saji fails to teach a system wherein operation of the radio telephone is restorable responsive to a security code input to the portable electronic apparatus. However French teaches a portable system which includes a disabling circuit. Upon unauthorized tampering, the system is disabled functionally until the proper keycode is entered via a keypad interface (Column 2 lines 10-14, Column 5 lines 15-18). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of French to Saji, in order to provide security for the cellular users.

Response to Arguments

3. Applicant's arguments with respect to claims 12-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 305-9508, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m to 5:00 p.m.

NMM

March 24, 2000


REINHARD J. EISENZOPF 3-27-00
SUPERVISORY PATENT EXAMINER
GROUP 2700